

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE THE NATIONAL LOK ADALAT
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 39 OF 2015
IN
FIRST APPEAL (STAMP) NO. 1515 OF 2014

The Executive Engineer
Kadawa Canal (Karanjwan) Division, Nashik ..Appellant
versus
The State of Maharashtra & Ors. ..Respondents

Ms Bhavana Khemani for Appellant.
Mr. Yogesh Dabke – AGP for State.
Mr. Prakash Ahuja for Respondents – Claimants.
Ms V.M. Mali, Special Land Acquisition Officer No.2, Nashik, present.

CORAM : M. S. SONAK, J.
(HEAD OF THE PANEL)

: **C.D. GONGLE**, RETIRED
DISTRICT JUDGE, MEMBER &

: **G.B. GURAV**, REGISTRAR
(JUDICIAL – II) MEMBER

DATE : 9th DECEMBER, 2017.

P.C. :-

- 1] Since the civil application for condonation of delay is not objected to, delay is condoned and the civil application is disposed of, with consent.
- 2] The learned counsel for the parties hand in consent terms which are taken on record and marked as 'X' for the purposes of identification.
- 3] The consent terms have been signed by the parties and their Advocates. The Advocates have identified the signatures / thumb impressions of the parties.

4] The State Government / appellant has taken out a policy decision to settle cases where the compensation amount is within the limits prescribed in G.Rs. dated 3rd November 2016 and 23rd February 2017, to which the further buffer amount of Rs.50,000/- can be added.

5] In the present case, the compensation amount exceeds the overall limits by Rs.35,319/-. The respondents - claimants have however specifically agreed to waive of the excess amount of Rs.35,319/-. The learned counsel for the respondents – claimants has requested this Court to record such waiver and on such basis, dispose of the appeal by modifying the award.

6] Accordingly, the consent terms are taken on record and the appeal is disposed of in terms thereof.

7] Modified award is directed to be drawn out in terms of the consent terms.

8] The appellant shall be entitled to refund of court fees in terms of the Rules as permissible.

9] Since the appeal is disposed of, the pending civil applications, if any, do not survive and the same are also disposed of.

**(M.S. SONAK,J.)
HEAD OF THE PANEL**

**(C.D. GONGLE)
MEMBER**

**(G. B. GURAV)
MEMBER**

Chandka